

OWEN PRESCOTT,
Claimant,
v.
WILLIAM AND BETTY PUGH,
Employer,
and
STATE OF IDAHO INDUSTRIAL
SPECIAL INDEMNITY FUND
Defendants.

ORDER

Pursuant to Idaho Code § 72-717, Referee Rinda Just submitted the record in the above-entitled matter, together with her proposed findings of fact and conclusions of law, to the members of the Idaho Industrial Commission for their review. Each of the undersigned Commissioners has reviewed the record and the recommendation of the Referee. The Commission concurs with this recommendation. Therefore, the Commission approves, confirms, and adopts the Referee's proposed findings of fact and conclusions of law as its own.

1. Employer is not subject to Idaho workers' compensation laws for the work Claimant performed because of the "not for pecuniary gain" exemption contained in Idaho Code § 72-212(6).

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3. Pursuant to Idaho Code § 72-718, this decision is final and conclusive as to all matters adjudicated.

DATED this 23 day of January, 2006.

INDUSTRIAL COMMISSION

/s/_____
Thomas E. Limbaugh, Chairman

/s/_____
James F. Kile, Commissioner

/s/_____
R.D. Maynard, Commissioner

ATTEST:

/s/_____
Assistant Commission Secretary

CERTIFICATE OF SERVICE

I hereby certify that on the 23 day of January, 2006, a true and correct copy of the foregoing **ORDER** was served by regular United States Mail upon each of the following persons:

PATRICK D BROWN
PO BOX 207
TWIN FALLS ID 83303-0207

W SCOTT WIGLE
PO BOX 1007
BOISE ID 83701-1007

ANTHONY M VALDEZ
PO BOX 366
TWIN FALLS ID 83303-0366

djb

/s/_____